

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1085 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 8-23-28 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2009]:
6 **Chapter 28. Sign Regulation**
7 **Sec. 1. This chapter applies to areas adjacent to highways and**
8 **roads that are not part of the:**
9 **(1) interstate; or**
10 **(2) primary highway;**
11 **system to which 23 U.S.C. 131 applies.**
12 **Sec. 2. The owner of property that is part of a highway**
13 **right-of-way may place a sign within the area that is the**
14 **right-of-way if the:**
15 **(1) sign is removed not later than sixty (60) days after it is**
16 **erected;**
17 **(2) placement of the sign does not create an unsafe condition;**
18 **and**
19 **(3) maximum area of the sign does not exceed six (6) square**
20 **feet.**
21 **Sec. 3. (a) The department, with the assistance of state and local**
22 **law enforcement, shall enforce this chapter.**
23 **(b) A person who:**
24 **(1) places a sign within an area described in section 2 of this**

chapter and fails to remove the sign within sixty (60) days after it is erected;

(2) creates an unsafe condition by placing a sign within an area described in section 2 of this chapter; or

(3) places within an area described in section 2 of this chapter a sign that is larger in area than six (6) square feet;

commits a Class D infraction. Whenever the department discovers or is given written notice of a violation by a government agency, the department shall give notice of the violation, by certified mail, to the owner of the property upon which the sign is placed. If the owner fails to eliminate the violation not later than thirty (30) days after receiving the notice given under this subsection, each day on which the violation continues, beginning on the thirty-first day, constitutes a separate infraction."

Renumber all SECTIONS consecutively.

(Reference is to HB 1085 as printed February 13, 2009.)

Representative Saunders